

IN SENATE OF THE UNITED STATES.

JANUARY 6, 1846.

Submitted, and ordered to be printed.

Mr. ASHLEY made the following

REPORT:

[To accompany bill S. No. 36.]

*The Committee on Public Lands, to whom was referred the bill for the relief of David F. Williamson, of Pope county, State of Arkansas, report:*

That on the 1st of June, 1840, David F. Williamson resided on the southwest quarter of section No. 20, in township 8 north, range 20 west, and at the same time cultivated the northwest quarter of section No. 29, in the same township and range. That by the act of June 1st, 1840, he was entitled to make his election which of the two tracts of land he would enter; and upon his application at the Johnson Court-house land office, in the State of Arkansas, a certificate was issued to him for the northwest quarter of section 29. But the Commissioner of the General Land Office, whose letter forms part of this report, refused to issue a patent, on the ground that the land on which he resided was not *public land*, but land rightfully claimed and entered by another under the pre-emption law of 1834.

The existence of this right in another person to the land on which Williamson *resided* was deemed sufficient by the Commissioner to invalidate his right to the land which he *cultivated*, and for which he received a certificate, inasmuch as the act under which he claimed conferred no right by cultivation alone.

The committee are of opinion that the claimant is justly entitled to a pre-emption right to the land which he cultivated; and therefore report the bill to the Senate without amendment, and recommend its passage.

GENERAL LAND OFFICE, December 31, 1845.

SIR: I have the honor to acknowledge the receipt of your letter of the 29th instant, in relation to the claim of D. F. Williamson, under the act of 1st June, 1840, which was allowed at the land office at Johnson Court-house, Arkansas, per certificate No. 617, but rejected by this office on the 2d August last.

In reply to the subject matter-thereof, I have to state, that as the proof

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shows that Mr. Williamson on the 1st of June, 1840, resided on the southwest quarter of section 20, township 8 north, range 20 west, and cultivated the northwest quarter of section 29, same township and range, he was allowed by the local land officers the entry of the latter tract, under the 1st section of the act of 1st June, 1840, granting to a claimant who resided on one quarter section and cultivated another and different quarter section the right "to make his election to enter either of said quarter sections, or legal subdivisions of each, so as not to exceed one quarter section in all."

In this case, no such right of election could exist, inasmuch as the tract upon which Mr. Williamson resided was not *public land*, but land rightfully claimed and entered by another under the pre-emption law of 1834, and the law of 1840 gave Mr. Williamson no right of pre-emption by cultivation alone.

In compliance with your request, I herewith enclose a copy of a bill to confirm the entry of Mr. Williamson, merely observing that the testimony in the case of Mr. Williamson is such that said entry would have been confirmed by this office if the tract upon which he resided had been public land, liable to the operation of his claim under the law of 1840.

Respectfully, your obedient servant,

JAS. SHIELDS, *Commissioner*.

HON. CHESTER ASHLEY, *Senate U. S.*